

Quid Novi

LAW LIBRARY
VOL. III NO. 13
DEC 2 1982

McGILL UNIVERSITY FACULTY OF LAW
FACULTE DE DROIT UNIVERSITY MCGILL

December 1, 1982
1 décembre, 1982

McGILL UNIVERSITY

LSA Council: Important Decisions

by Joseph Rikhof

The LSA Council accepted six motions of its meeting of November 23rd from which it is clear that this LSA Council wants to be involved in the policy-making process of the law school. It is also seeking student input in this process. The motions proposed by Fred Hoefert and Stéphan LeGouëff were passed in a remarkably short time and with a large majority, an indication of the consensus that existed on the importance of those issues.

The Study Week Motion

The most important motion, from a long term point of view, was the motion presented by Stéphan to institutionalize a study week, starting in 1983. With an impressive schedule that indicated how many days of classes there would be with and without a study week, and the number of exam days for the years 1983 to 1992, he explained that his proposal was workable.

The motion which was accepted, after some additions, has the following elements: there would be a study week in November or December (depending on General Assembly approval). With this as a starting point, it was decided that classes would be between August 27th and December 7th, no term would have more than 67 days of classes and no less than 11 exam days.

The last exam would be December 23rd.

Motion re: student representatives on standing committees

Stéphan's other 2 motions concerned the accountability from and feedback for student representatives on standing committees. In order to remedy the lack of accountability, Council adopted the idea that the student representatives should hold a public meeting once every term.

In order to get feedback, the Council narrowly accep-

ted the motion that the same student representatives draft a questionnaire to determine student opinion on various academic aspects of this law school and thereby enable the LSA and committee representations to formulate policies.

A Policy and Planning Committee Established

Fred Hoefert also presented three motions. The first one requests that the Dean provide faculty, students, and committees with a Statement of Objectives as

Cont'd on p. 7

Studsoc

Presidents' Council

Report From the Vice-President, University Affairs

At last week's Studsoc meeting, one of the main topics of discussion was the terms of reference for Presidents' Council. This is a body made up of the Presidents of the various faculty student associations that has met informally for the past several years. It will in all likelihood be included as a formal body in the revised constitution currently being drafted.

Most Councillors objected to ss. 7 & 8 in the terms of reference. This would give

Presidents' Council a limited right of veto over Studsoc Council decisions. Although it was pointed out that ss. 7 & 8 were not part of the terms of reference (we had been given the wrong draft due to a clerical error), Council nevertheless made its displeasure with them quite clear. I for one don't feel that a body to oversee Council and slap its wrist when it has done something naughty is necessary, although I am very much in favour of Presidents' Council per se.

Since this is the last issue of Quid Novi this

Cont'd on p. 3

CUTLER GIVES INTERVIEW

Joseph Rikhof of Quid Novi met with our Prez. for an entertaining chat and here is part 1 of what happened:

QN: You have been on the LSA Council for two years now. Do you find that the constitution makes the council more effective?

Cutler: My feeling is that it is considerably more effective. Whether this is because of the individuals involved or the constitution is unsure. I certainly think that the voting members have taken it more seriously. They have been extremely diligent in attending the meetings and in contributing to the meetings. In that respect, the constitution has been a major success.

QN: Has the LSA been soliciting and getting enough student feedback?

Cutler: There are two extremes. The one I feel closest to is "direct democracy", where you are voicing the position of the people you are representing. The other extreme is the attitude that "you have elected me and I know what is best for you." You have to find a happy medium. There are times when you just can't check with the student body. You have to bite the bullet. The cafeteria is a good example, since the decision had to be taken in the summer and we had to decide what was best for all of us. On the other hand, the divestment issue could have been unilaterally decided upon by the Executive, but that is not the way we operate. It is better to have student backing when you go to the Dean or Faculty Council, since you can say that the decision was taken by the whole student body.

QN: Do people realize how much you might compromise your relations with the faculty?

Cutler: I did not run for, nor am I going to fulfill this position in order to make friends with the faculty. Some of the relationships I have built have been fruitful and I hope they will continue. When it comes to representing the students, however, there will be professors who disagree with me vehemently. So be it. I might have a disagreement with professors or the Dean on a particular issue, but I have found for the most part that we can still move on to the next issue. They take a professional approach. There are others who hold a grudge for future issues because of an earlier decision that did not sit well with them.

QN: Your platform last year did not seem too controversial vis-à-vis the faculty. Has that position changed?

Cutler: As a president, you run up against two things. Either you become frustrated with the student body you represent, or you become frustrated with the faculty and bang your head against the wall. I have come up against both of these problems, but I think they can be overcome.

I don't think that I ran for president on a "pacifist" platform. In fact, I have been told that the professors see me as a radical and that this perception was there even before the election, whether due to speeches or the distributed platform flyer.

The basic problem is this: whether you are a student or a professor, there are certain structures through which grievances

must be channelled. These structures, however, are followed not only to the point where you are denied because of the structure of the system itself. For example, I have been told by students and former executive members that student representation on faculty council and some of the committees is only a façade, in the sense that it is not very effective. I don't think that this is due to the student representatives. The student positions are filled by some very eager people with good ideas, but the faculty and administration tend to look upon them with a good deal of scepticism. In my platform I was trying to say "Let's work together, we all have a vested interest", but the student position is not being recognized because of the system. It is up to the students to say "where are we going from here?"

QN: Students on the various committees can only participate in the general policy-making process, but not in the actual decision-making process. How do you react to that?

Cutler: Obviously there's a line to be drawn, but at present it is drawn in a way that denies student participation in crucial policy matters. Students are either exempted from meetings or there is no meeting at all. With respect to lobbying, I think the students have come a long way, but soon we will have to question the extent of our representation. Students are putting a great deal of work into this faculty. For example, Forum National, the McGill Law Journal, and Quid Novi give the Faculty a good name. Therefore, it is the students' position to say "Give us a little say in what is going on".

Cont'd from p. 1

term, I feel this is an appropriate time to give a review of the first half of my term. Although it can at times be difficult to strike a balance between the needs of Studsoc and the LSA, I've found that it can be done. It is also interesting to note the differences between the two bodies.

At Studsoc, the procedural problems at the beginning of the year have largely been overcome. Meetings tend to proceed relatively smoothly and efficiently. This is partly due to the fact that the range of issues is smaller than that considered by LSA council, and that all resolutions and questions must be submitted ahead of time (usually). LSA meetings on the other hand, tend to last much longer. I feel that this is mainly due to the fact that it has a broader area of concern. For example, most of the focus at LSA council is on academic matters, while at Studsoc the emphasis is on financial and social matters. As well, LSA councillors tend to take a more active role in debates and discussions than do many of their Studsoc counterparts.

At Studsoc meetings, divisions tend to be more open and (sometimes) more rancorous than at LSA meetings. This is to be expected, since there is a much greater number of people representing a much greater range of interests and viewpoints. As for communication of what is going on, the Daily is overly hostile and the Tribune overly subservient to give a balanced picture. I suggest you read both and try to imagine a middle ground.

That is all for now. There are no more LSA council meeting this term, and, due to exams, I won't be

able to attend the Dec. 8 Studsoc meeting. I will write again in January. Have a happy holiday.

Tim Baikie

Cont'd from p. 8

Faculty after completing a Master's degree at Osgoode Hall replied: "Well, if you did all that work, has it ever occurred to you that you might be stupid?"

From Ron Sklar:

Here is a very funny incident from last year's Evidence IA course. I was discussing the subject of similar fact evidence. There is an old English case in which the accused was charged with "indecent exposure." The court held that evidence that the accused had on a previous occasion exposed himself to the same woman was admissible as evidence of "identity." I was describing the case to the class and, in a comical vein, referred to the accused as "a flasher, you know, the man in the trench coat." At that precise moment, a student who was late for class walked into the room wearing a buttoned-up trench coat. There was an instant of startled silence, and then everyone started roaring with laughter. The student looked bewildered, which just caused everyone to laugh even more. I was so broken up I couldn't teach for five minutes.

The whole incident brought back to mind something that happened when I was in law school. Since I wasn't being particularly coherent anyway, I related that incident to the Evidence class. It was during the course in Domestic Relations (what we call Family Law). The professor, a very colourful guy, was discussing the subject of annulment for fraud under New York Law. He was say-

ing that one very popular claim for such an annulment involved testimony by a plaintiff spouse that before the marriage they had agreed on having children and now, after so many years, the other spouse, the defendant, still insists on using contraceptives. He called them "contraceptive annulments".

M.C.B. To Organize Mooting Seminars

In an effort to improve the moot program at McGill, the Moot Court Board is trying to organize a series of seminars on factum preparation and pleading at the appellate level. Although no final arrangements have been made, Mr. Justice Fred Kaufman of the Québec Court of Appeal has indicated that he may be available to conduct two or three one hour sessions in early January addressing issues of form and etiquette in the appeal process.

Mr. Justice Kaufman has expressed a keen interest in the moot program, not simply as an essential aspect of legal education but also as a way to ensure better oral advocacy in the courts in the years to come.

In response to student concerns for more uniformity in the moot program the MCB will also draw up a list of Official Rules which will govern the formal aspects of the moot exercise. They will be based largely upon the present Supreme Court Rules modified for the particular purposes of the program.

It has been the policy of the MCB to make moot as realistic an experience as possible in a law school context. We believe that this proposed series of seminars together with a set of Official Rules will help to achieve the realism and fairness that the moot program needs and the students want.

David Hirsch
(for the Moot Court Board)

Quid Novi

Quid Novi is published weekly by students at the Faculty of Law of McGill University. Production is made possible by support of the Dean's office, the Law Students' Association, and by direct funding from the students. Quid Novi is run on the tolerance for manifest pretentiousness of Al Alexandroff, Lynn Bailey, Dan Barker, Dougal Clark, Pearl Eliadis, Sidney Fisher, Daniel Gogek, Rick Goosen, Richard Janda, Heather Matheson, Paul Mayer, Brian Mitchell, Henri Pallard, Celia Rhea, Joseph Rikhof, Diane Sokolyk, Martine Turcotte, Demetri Xistris, and Gertie Witte.

The Student Support Group office will close on Friday, December 3rd until after Christmas. However, SSG staff will be on call at home almost every evening after 7 p.m. throughout exams. We are here for you and because of you. Please call. We're all in this together.

We will be glad to answer your questions (if we know the answers) and to commiserate. Merry Christmas!

P.S. You don't have to give your name when you call!!

Thursday, Dec. 9

Joanie Vance 522-7997

Friday, Dec. 10

Alix Parlour 286-0230

Saturday, Dec. 11

Fran Boyle 288-8752

Sunday, Dec. 12

Myra Tawfik 486-5567

Monday, Dec. 13

Erika Rosenfeld 843-7124

Tuesday, Dec. 14

Pat Knight 932-5666

Wednesday, Dec. 15

Brenda Lazare 849-4864

Thursday, Dec. 16

Pat Knight 932-5666

Friday, Dec. 17

Alix Parlour 286-0230

Saturday, Dec. 18

Try any of the above...

(no guarantees!)

Sunday, Dec. 19

Erika Rosenfeld 843-7124

Monday, Dec. 20

Veronique Marleau 484-6757

Tuesday, Dec. 21

Fran Boyle 288-8752

Wednesday, Dec. 22

Yves Ménard 932-5259

Editorial

The Promotions Process & T. Wade

There is cause for great concern about the procedures followed in the decision not to promote Terry Wade and not to renew his contract. Before even entering into the merits of his particular case, there are three serious questions about the way his case was handled which the administration should answer publicly. The first is: how do the criteria which were used in Prof. Wade's case compare to criteria which were used in previous cases? The second is: was the decision-making framework adequate? The third is: how were the criteria used actually applied? Let's examine the facts on these three points.

Unlike other promotions and tenure decisions, there are no criteria laid down in the University's Regulations Relating to the Employment of Academic Staff for promotions to the rank of associate professor without tenure. Thus, the Wade decision was a matter subject to internal Faculty regulation. On November 9, 1981, the Dean circulated a "Statement Regarding Promotion and Renewal in the Faculty of Law" which set out criteria for promotion to the rank of associate professor without tenure. These guidelines were drawn up by the Dean and an ad hoc committee and were not subject to any faculty debate or adoption procedure. In essence, the criteria set out in s. 2.2.6 of the November 9 Statement were: 1) teaching; 2) research and other scholarly activities, and professional activities; and 3) other contributions to the University and scholarly communities. Section 2.2.7 stipulates a "high" standard of performance in two of the categories and "satisfactory" performance in the third as minimum requirements for promotion. In point 4 of his accompanying memo, the Dean asserts that the November 9 Statement reflects "the practices followed in the Faculty for some years past and, as such, is consistent with general university practices as well. It amount, (sic) in other words, to no more than a codification of long-standing usage." There is, however, a dispute as to whether these criteria do in fact reflect past usage. Sections 2.2.6 and 2.2.7 correspond precisely to the new university requirements (ie. post November 1980) for tenure, with one exception. Whereas "superior" performance is required in the two categories under s. 5.20 of the new requirements, "high" performance is required in s. 2.2.7. Since Prof. Wade was hired prior to November, 1980, these criteria did not constitute long-standing usage applicable to him. Rather, the old university regulations on tenure required "superior" performance in more than one but not necessarily all three" categories. Apparently, the usage in the Faculty was to apply this latter standard, but less strictly (i.e. "high" performance substituted for "superior" performance). The practical effect of the difference between the criteria in the November 9 Statement and what apparently were the old criteria, is that under the November 9 criteria, it becomes possible to be denied on the basis of unsatisfactory performance in one area alone, while this was impossible under the old criteria. Indeed, although the November 9 Statement purports to codify general rules for promotion to the rank of associate professor without tenure, Prof. Wade is the only candidate to whom they will ever apply. The new regulations of November 1980, under which Prof. Wade would be up for tenure, will cover all cases that arise hereafter.

Furthermore, the decision-making framework that was used left something to be desired. Tenure decisions of

Faculty committees require external evaluations and are reviewed by a cross-university committee. There is nothing comparable in the promotions decision process. The recommendation of Profs. Cohen, J. Glenn, and Simmonds (and we do not know how they voted) was accepted and passed on to the Board of Governors by the Dean. The Dean appointed the ad hoc committee and sat in on its deliberations. There does not seem to have been any systematic consultation with other members of faculty and there was certainly no consultation with students.

Even more serious problems arise when one examines the specific application of the criteria in the November 9 Statement to Prof. Wade. The Dean has told Quid Novi that no statement of Prof. Wade's rating as against the three criteria has been made or will be made to faculty or students. When asked if Prof. Wade had been informed of how his performance in the three areas had been evaluated, the Dean did not wish to comment. One would hope that Prof. Wade was at least given the opportunity to answer the ad hoc committee's specific determinations on the three points. And those who come up for promotions and tenure decisions after Prof. Wade should be given a clear indication of where the bar of "high performance" is being set.

Furthermore, since the Dean has only referred to the standard of "long-standing usage", there is a serious problem as to following precedent. The Dean or the committee did not sit in on any of Prof. Wade's classes. Thus, the only information that the committee could use to judge Prof. Wade's teaching ability was that he has consistently ranked among the top two or three in those student evaluations on record. With respect to publications, Prof. Wade published an article while a student and has, in his six years as an assistant professor, published two book reviews, two translations of articles, a French-English Lexique of Trust Law, and will have his Trusts casebook published by Butterworth's this year. How does this stack up against past publications records of those who have been promoted? Quid Novi has been told that there have been at least two promotions from assistant to associate professor granted to candidates who had fewer publications. One candidate submitted only an unpublished case comment and in the other had delivered a lecture to be published at a later date. Part of the problem is: what is considered to count as publication record? When asked by Quid Novi, the Dean refused comment as to whether a commercial casebook or a Lexique would count as publications. The issue is consistency; if a standard is going to be set, let it be set in such a way that future candidates know what the criterion means.

"Contributions to the university and other scholarly communities" also requires definition. Do Prof. Wade's tutorials for francophone students count? Does teaching in the Moncton French Common Law Program count? Does participation in student events count? If the major factor that goes into the third criterion is administrative work, does the fact that the Dean is the one who determines the scope of administrative involvement in appointing committees get fully taken into account? And if the third criterion includes a consideration of how well the candidate promotes the objectives of the school, such a stipulation should be made public and clarified.

In a Law School, which spends so much of its teaching time impressing students with the proper rules of procedure, the greatest care should be taken to ensure that promotions, tenure, and hiring processes are public, fair, and consistently applied. Applicants and the faculty should be informed as to the meaning of the tests which are used so that proper precedents can be established. Recently the Political Science department at McGill has attracted controversy over the veil of "collegiality" which obscures the openness and fairness of their appointments procedure. Given that so many decisions of equal importance to the Wade decision will be made in the near future (six professors are up for tenure this year and more next year), the procedures used within the faculty should be beyond dispute.

We therefore call upon the Dean 1) to clarify the apparent discrepancies between the criteria applied to Prof. Wade and those applied in the past and, in particular, to state whether and how the Faculty's standards have been raised; 2) to include both students and faculty in a broader consultation process in future tenure and promotions decisions and, in particular, to allow the student representative on the Promotions, Renewal, and Tenure Committee to participate fully in the process; and 3) to make public the evaluation of Prof. Wade's performance under the three criteria listed in s. 2.2.7 of the November 9, 1981 Statement in order to establish a proper precedent.

This is unquestionably a very delicate matter. But the administration should bear in mind that over 200 students have signed a petition on Prof. Wade's behalf. It is vital to settle the issue openly and judiciously.

Richard Janda, Timothy Baikie, Dan Barker, Fran Boyle, Roger Cutler, Pearl Eliadis, Bruce Fitzsimmons, Fred Hoefert, Stéphan LeGouëff, Paul Mayer, Brian Mitchell, Marek Nitoslowski, Henri Pallard, David Paterson, Christine Scattolin, Joseph Rikhof, Demetri Xistris, Joanie Vance, John Webster

Réunion des A.E.D. à l'Université de Montréal

Samedi le 6 novembre, une réunion des exécutifs des associations des étudiants en droit civil (A.E.D.) s'est tenue à l'Université de Montréal. Le but de cette réunion était de permettre aux étudiants des diverses universités de se rencontrer et d'échanger sur leurs vies estudiantines respectives afin d'élaborer des mécanismes de concertation et de collaboration.

Environ trente personnes étaient réunies, provenant de l'Université de Montréal, de Sherbrooke, de McGill, d'Ottawa, et de Laval, représentant soit leur exécutif, soit différents comités ou leur journal étudiant.

En avant-midi, quatre ateliers ont été formés. Ils portaient sur la vie académique, la vie sociale, les affaires externes et la régie interne. En après-midi, les participants sont réunis en plénière et ont adopté 4 résolutions, deux concernant les affaires externes, une concernant la vie académique et une autre portant sur les affaires sociales.

1. Atelier régie interne

L'atelier "régie interne" s'est penché principalement sur le rôle de l'association étudiante d'aujourd'hui. Après une description par chaque association de son mode de fonctionnement, les membres de cet atelier ont fait une analyse des fonctions des associations étudiantes. Aucune résolution formelle n'a été prise en plénière.

2. Atelier vie académique

Les membres de l'atelier vie académique se sont interrogés sur la qualité de la vie académique. Cette étude ne s'est pas faite part la biais d'une analyse comparative des programmes de chaque université (i.e.

comparaison du nombre et du type de cours offerts dans chaque faculté) mais plutôt par le biais d'une analyse globale. La discussion a surtout tourné autour de la question des coupures budgétaires.

En après-midi, une résolution a été adoptée par la majorité (l'université d'Ottawa s'y opposant): les associations se sont engagées à faire, chacune dans leur faculté, une étude en trois points sur la qualité de l'enseignement. L'adéquation du programme aux besoins juridiques, l'impact des coupures de même que l'atteinte des objectifs déterminés aux programmes académiques constituent les trois points majeurs à l'étude.

Par la biais de discussions informelles, j'ai appris quelques informations intéressantes sur le programme de droit offert dans les autres universités. A titre d'exemple, l'université d'Ottawa offre cette année un cours correspondant à notre cours "legal clinic". Ce cours offre aux étudiants d'Ottawa la possibilité de faire un mini-stage dans un des 20 bureaux d'avocats de pratique privée intéressés par le projet ou à l'aide juridique de l'Outaouais, ou encore dans le bureau d'un juge. A raison de huit heures par semaine, l'étudiant suit l'avocat ou le juge dans ses démarches. L'étudiant travaillant à l'aide juridique a aussi la possibilité de donner des cours aux étudiants de niveau secondaire. L'expérience tentée à Ottawa offre donc des perspectives intéressantes qu'il serait agréable de voir adoptées par McGill.

3. Atelier vie sociale

En atelier, les représentants ont répertorié des diverses activités sportives

et sociales offertes aux étudiants. Le principal sujet de discussions a cependant été le carnaval sportif inter-facultaire dont McGill sera l'hôte les 21 et 22 janvier. Le programme du carnaval a été présenté (voir un autre article dans le *Quid Novi* à ce sujet). En plénière, une résolution a été adoptée par laquelle les universités se sont engagées à étudier la possibilité de remettre à McGill une cotisation de \$150. et une estimation du nombre de participants, d'ici la fin novembre.

4. Atelier affaires externes

Trois sujets ont été discutés dans cet atelier à savoir l'admission au barreau pour quiconque ayant des antécédents judiciaires, le rôle de la CADED et la possibilité de création d'un journal national des étudiants en droit.

a) admission au barreau:

La question d'admissibilité au barreau d'un candidat ayant des antécédents judiciaires a été soulevée par Jean Marc Bougie, un étudiant en troisième année de droit à l'UQUAM ayant déjà été incarcéré. Etant donné l'importance de cette question, les universités ont donné en plénière mandat à Stewart Istvanffy (V.P. affaires externes, U. de Montréal) de monter et de faire parvenir aux associations étudiantes un dossier d'information sur lequel les étudiants seront appelés à prendre position.

b) le rôle de CADED:

CADED est le sigle pour "confédération des associations des étudiants en droit." Elle regroupe les étudiants en droit civil du Canada et les étudiants des écoles de formation professionnelle du Québec (donc l'école du barreau et de notariat). Ses porte-paroles sont le secrétaire-général et secrétaire-tré-

sorier. Son conseil est composé de deux délégués par association étudiante membre, un de ces délégués devant être membre de l'exécutif de l'association qu'il représente.

Des modifications ont été apportées à la charte de la CADED l'année dernière. En principe, le conseil de la CADED doit se réunir deux fois par année (1 fois par session) alors qu'il devait se réunir quatre fois par année avant les modifications.

La CADED présente cependant un problème sérieux malgré cette structure fort précise à prime abord. D'une part, il semble que le secrétaire-général et secrétaire-trésorier se soient volatilisés. D'autre part, il semble que le fil des activités de la CADED soit complètement perdu: il apparaît impossible de retrouver le procès-verbal de la dernière réunion, donc impossible de savoir ce qui s'y est passé. Enfin, il n'y a pas eu de réunion convoquée par la CADED cette session, puisqu'il apparaît que certaines universités n'avaient pas encore de délégués choisis pour les représenter à une telle réunion.

En atelier, les représentants ont étudié la position actuelle de CADED et se sont interrogés sur son rôle et sa viabilité. Un consensus s'est établi sur la pertinence d'une telle association, porte-parole de la position nationale des étudiants en droit. En plénière, les étudiants ont résolu de nommer leurs délégués à la CADED dans leur université respective, dans la mesure où une telle chose n'avait pas déjà été faite, et d'étudier ensuite le rôle que devait avoir la CADED. Finalement, il a été résolu qu'une réunion devra être convoquée en janvier.

c) échange de journaux

En dernier lieu, les représentants ont étudié dans cet atelier la possibilité de création d'un journal national des étudiants en droit. Les étudiants se sont entendus à tout le moins pour un échange de journaux. Le journal de l'université de Montréal, le Pigeon Dissident, devrait donc être sous peu, si ce n'est déjà fait, mis à la disposition des étudiants de McGill.

Cette journée de rencontre entre les exécutifs des associations des étudiants en droit des diverses universités a donc été productive. Les développements quant aux questions académiques, parascolaires et externes restent à suivre.

Anne-Marie Veilleux
BCL III
représentante CADED

Cont'd from p. 1

determined by the ad hoc Committee's review of the Faculty of Law.

The last motion passed was a motion to adopt a statement of LSA Council procedure in order to make the Council meeting more efficient (this meeting lasted more than 4 1/2 hours). The decision to accept this motion took more than an hour!

Reports of the Exam Board, Law Library and Appointments Committees

Amee Berlin of the Exam Board outlined the activities of the Exam Board. So far, two items have been discussed. First, an inconsistency in the supplemental regulations. On one hand, students are allowed to re-write 1/4 of their courses; on the other hand, only two courses with a maximum of 7 units can be taken as supplementals. This last rule should be eliminated, the Board proposed. The second item is the calculation of

the supplemental exam results in the HPA. If a person scores higher than a C, it will not help the student's HPA. The Exam Board is working on this.

Marek Nitoslowski gave an overview of the meeting of the Appointments Committee. The Committee is in the process of filling what might amount to 5 positions for next year (of which 2 are new positions, 2 to replace professors who might go on sabbatical leave and 1 lecturer if the Boulton Fund is applied to this purpose). Several courses are facing problems because of a high student/teacher ratio (notably Obligations, Contracts, Civil Procedure, Debtor/Creditor, Family Law, Special Contracts and Evidence), and the committee is giving greater consideration to candidates who could work in the comparative law field or have a specific Canadian interest.

Martine Turcotte mentioned that the law library is presently facing problems with shelving capacity and seating capacity. The committee is also looking into the possibility of reading rooms and the best solution put forth so far would be to add on an extra floor.

LSA Needs Students for Committees

LSA Council established two committees last Tuesday. Each committee will have 4 students. The committee

Cont'd from p. 3

He said they were contrived cases and declared, with a flourish: "We've got to sweep those contraceptives out of the courtroom!" At that precise moment, a janitor was sweeping the floor outside the classroom and his broom came whizzing into the room. Everyone, the professor most of all, broke up with laughter. He denied it was prearranged. I don't think any of us believed him. Now I know he was telling the truth.

Quotable Quotes & Bloopers

Prof. Birks: "Most people get their licences when they show a degree of driving competence. I got mine notwithstanding."

Prof. Stevens: "Let's see what the buffoons in Crossley Vaines have to say."

Prof. Baker (apparently wanting to know the facts of a case). To a female student: "Perhaps you can help us?"

Student: "That depends on what you want."

Prof. Baker: "HSSSSSS!!"

Prof. Baker (on being wary of interpreting cases in a factual vacuum): "Would it make any difference to your view of Dudley v. Stevens if you knew that it was common practice to eat cabin boys in those days?"

Prof. Heenan (on decisions by Geoffroy, J): "Personally, I like the man, but every time I read a decision like this I get so MAD!"

Prof. Sarna (on registering company names in Quebec): "I'd like someone to tell me how to translate Peak Freens into French."

Prof. Glenn (Prop. IA): "A squatter's heir has the right to squat in his father's shoes."

Prof. Somerville: "Prof. Sklar and I do many strange things together."

Prof. Stevens (on personal property): "None of these issues will ever come up in real life."

Prof. Baker: "There 's something else we have to worry about here."

Student: "Reality?"

Prof. Baker: "No....".

Prof. Sklar, introducing the case of Harris v. Harris in Evidence IA: "It's an easy case so I think I can do it."

Prof. Simmonds talking about a tort action in Contracts I: "It's often referred to as the tort of "pissoffedness."

Prof. Vlastic, responding to a student in class, "You've tried to make a good point. You're wrong. But keep trying and someday you may be right."

Prof. Sklar, discussing his appeal of his client's conviction for murder: "It was a brilliant discussion of relevant evidence, for which I was complimented by several clerks. I wonder if Stanley is still in prison?"

From Ralph Simmonds:

"[Albert S. Abel, professor of law at the University of Toronto, is probably best known to students as the editor of the 4th edition of Laskin's Canadian Constitutional Law.] He was an object of awe for...LL.B. students [at Toronto]. This awe was due in part to his teaching style: he would enter the classroom, sit at the head table, open his copy of Laskin, close his eyes and deliver himself of an account of the area to be covered that day. His eyes would only open to drive home some barb aimed at the Privy Council (Viscount Haldane was a favoured target) or any other source of what he considered to be doctrinal incoherence. Only once did students try to determine if he really could summarize from memory individual paragraphs of favoured or disfavoured judgments. The lights were all

switched off in mid-class. The story goes that out of the darkness, his voice intoned: "The lights may be out for you. But they are never out for me."

Prof. Scott: "Why bother with making case briefs? I can read a casebook in a day."

From Rod Macdonald:

This is a true story dating from circa 1978 at Windsor:

Following Christmas exams a young student approached his first-year Property teacher complaining about his mark. He said he studied hard, always came to class, bought three textbooks, was a member of a study group and knew the course inside out. He couldn't understand how he only got a "C".

The professor, in his first year teaching, and just having arrived on

Cont'd on p. 3

Women and The Law Membership Meeting

All those interested in going to the Victoria Conference should attend. 12:00 Wednesday, Dec. 1, Common Room.

Prof. Haanappel, Obligations I, discussing 1056 c) re: invalidity of certain releases and settlements given with 15 days after the occurrence of the bodily injury for which damages are requested: "This is to prevent such people as insurance agents from going to a woman's hospital room after she was in a car accident and looking for a quickie ...I mean a quick settlement."